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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,352	12/08/2003	Tim A. Matus	ITW7510.064	1351
33647	7590	09/21/2004	EXAMINER	
ZIOLKOWSKI PATENT SOLUTIONS GROUP, LLC (ITW) 14135 NORTH CEDARBURG ROAD MEQUON, WI 53097				PASCHALL, MARK H
ART UNIT		PAPER NUMBER		
		3742		

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/707,352	MATUS ET AL.
<b>Examiner</b>	<b>Art Unit</b>	
Mark H Paschall	3742	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 13 May 2004.

2a)  This action is **FINAL**.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

- 4)  Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-20 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 08 December 2003 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12-03, 05-04.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,5,7-18 and 20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wilkins 769'. In column 6 lines 14-23 Wilkins teaches that the starting circuit 50 is typically at the torch assembly end of cable 16, as claimed. Note that in column 4 use of Cpu or robotic control is taught. Note that contact start energization is taught since the arc will transfer for cutting or welding start upon movement toward or contact with the work. Column 5 teaches that 15 kvolts is a pilot voltage magnitude and steady state voltage of the arc can be 500 volts, see column 5, line 6. As per claim 8 note that since the starting circuit 50 is located at the torch end of supply line 15, that noise will be reduced from passage of control signals thru cable 16. Note that Wilkins teaches in column 1 that the torch disclosed could be used for cutting, as claimed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 4,6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkins 769' in view of Ogden, Sr. et al or Jones et al 091'. Wilkins teaches the claimed subject matter except for specifying that the torch include a handle and that the starting circuit is located in such handle. Both patents to Jones et al and Ogden, Sr. et al teach location of torch starting circuits in the torch handle and use of the same leads to an efficient and maneuverable welding process, wherein more accurate control of the gas and hence the welding or cutting process is obtained. In view of this teaching it would have been obvious to modify the Wilkins torch assembly to be more maneuverable by including a torch handle with the starting circuit 50 located within such handle, such modification leading to a more portable and maneuverable torch and hence a more versatile cutting torch.

As per dependent claim 6 note that Jones et al teach a handle portion 24 which basically fits within the palm of the hand controlling it and the output electrode starts at

As per dependent claim 6 note that Jones et al teach a handle portion 24 which basically fits within the palm of the hand controlling it and the output electrode starts at the edge of such control, 12 inches claimed for such distance obviously being depicted. Note that the output electrode MIG in Ogden, Sr. et al and Hackl, travels thru the handle and MIG indicates plasma presence, and thus 12 inches as claimed is taught.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Broberg et al, Tajbl et al and Dean et al are cited for disclosing pertinent plasma torch systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark H Paschall whose telephone number is 703 308-1642. The examiner can normally be reached on 7am - 3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 703 308-2634. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*m h Paschall*  
Mark H Paschall  
Primary Examiner  
Art Unit 3742

Mp